

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BELGRADE

UNCLAS STATE 009825

E.O. 11652: N/A

TAGS: BDIS, BGEN, YO

SUBJECT: U.S. FIRM REQUESTS ASSISTANCE IN ARBITRATION
EFFORT

1. LEGAL FIRM OF FRIED, FRANK, HARRIS, SHRIVER AND
KAMPELMAN IS REPRESENTING U.S. FIRM ENGAGED IN ARBI-
TRATION HEARINGS. DUE TO SHORT AMOUNT OF TIME REMAINING
BEFORE BEGINNING OF ARBITRATION SESSION, DEPARTMENT HAS
BEEN ASKED TO TRANSMIT FOLLOWING REQUEST FOR ASSISTANCE
TO EMBASSY BELGRADE.

2. BEGIN TEXT. 1. U.S. FIRM ENGAGED IN ARBITRATION
WITH YUGOSLAV BANK, HEARING 7-8 FEBRUARY 1977. PROPOSED
WITNESSES ON BEHALF OF BANK WERE ARRESTED AND SENTENCED
FOR PARTICIPATION IN TRANSACTION BY LOCAL BELGRADE COURT
(VECHE OKRUZHNOG SUDA U BEOGRADU), BUT WILL BE PRODUCED
TO TESTIFY IN ARBITRATION PROCEEDINGS.

2. WE REQUEST ASSISTANCE OF EMBASSY IN ASCERTAINING NAMES,
TITLES, AND OFFICIAL ADDRESSES OF YUGOSLAV OFFICIALS
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WITHIN LEGAL SYSTEM WHO WOULD KNOW OF ANY CONDITIONS OR
UNDERSTANDING SURROUNDING RELEASE OF WITNESSES TO TESTIFY
OUTSIDE YUGOSLAVIA. LIKELY PERSONS WOULD BE, E.G.,
EQUIVALENT OF U.S. PARDONS ATTORNEY, PROSECUTING ATTORNEY,

OR MINISTER OF JUSTICE,

3. YUGOSLAV BANK HAS REFUSED ARBITRATORS' DEMAND FOR PRODUCTION OF COURT DOCUMENTS FROM CRIMINAL ACTIONS AGAINST BANK'S EMPLOYEE WITNESSES. THE DEFENDANTS IN THE CASES WERE DIRECTORS OF THE YUGOSLAV AGRICULTURAL BANK (JUGOSLOVENSKA POLJOPRIVREDNA BANKA) MILIVOJ KOJICH, MORIC ELAZAR, AND BOSKO TONEV. IT IS OUR UNDERSTANDING THAT THE ORIGINAL CONVICTIONS MAY HAVE BEEN OVERTURNED BY THE SERBIAN SUPREME COURT (VRHOVNI SUD SRBIJE). WE HAVE NO PRECISE DATES FOR THE CASES, BUT THE ORIGINAL ARRESTS OCCURRED 28 DECEMBER 1971 AND THE SUPREME COURT DECISION APPARENTLY WAS RENDERED CA. 6 JULY 1973. ARE SUCH DOCUMENTS OR ANY PART THEREOF MATTERS OF PUBLIC RECORD? WE WOULD BE EXTREMELY GRATEFUL FOR ANY ASSISTANCE IN OBTAINING ANY PUBLIC DOCUMENTS, PARTICULARLY TRIAL TRANSCRIPTS CONCERNING THESE ACTIONS AND THE APPEALS, AND WILL BE HAPPY TO REIMBURSE ANY EXPENSES INCURRED THROUGH SUCH EFFORTS ON OUR BEHALF.

4. PLEASE NOTE THAT DIACRITICAL MARKS IN SERBO-CROATIAN WORDS HAVE BEEN CONVERTED TO "H" 'S.

5. PLEASE CABLE RESPONSE (AND POUCH ANY DOCUMENTS OBTAINED) TO WILLIAM HOFFMAN OF FRIED, FRANK, HARRIS, SHRIVER AND KAMPELMAN, CO/O ROBERT MOSHER, EASTERN EUROPEAN DESK, STATE, DC.

REGARDS. END TEXT.
KISSINGER

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